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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,172	07/28/2003	Robert Galli	P00561-US2	5595
3017	7590	01/15/2004	EXAMINER	
BARLOW, JOSEPHS & HOLMES, LTD. 101 DYER STREET 5TH FLOOR PROVIDENCE, RI 02903			FISHMAN, MARINA	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/628,172

Applicant(s)

GALLI, ROBERT

Examiner

Marina Fishman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10/31/03. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***General Status***

1. This is a First Action on the Merits. Claims 1 - 12 are pending in the case and are being examined.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both "retaining arm" and "slide actuator"; reference character "34" has been used to designate both "flat tabs" and "outer peripheral edges". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "outer surface", "inner surface", "peripheral edge" and "voids" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

- page 3, line 4 "a outer" should be corrected as --an outer--;
- page 7, line 10, "to produce", should be corrected as --to produce and--;

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- page 8, line 1, numeral 20 is referring to "a retaining arm" at the same time on page 9, lines 16, 18, 19, the numeral 20 is referring to "a slide actuator".
- page 8 line 14, numeral 34 is referring to "flat tabs" on the same page in line 21 numeral 34 is referring to "outer peripheral edges".

The Examiner has pointed out only few of the deficiencies, the Applicant is required to review the entire specification and make necessary corrections.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 - 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, lines 3 and 4, Applicant should clarify what is meant by the "outer surface", "inner surface" and "peripheral edge".

In Claim 1, line 6, Applicant should clarify what is meant by "voids at predetermined locations".

In Claim 7, line 13, Applicant should clarify what is meant by "predetermined locations".

In Claim 7, line 8, Applicant should clarify what is meant by the "outer peripheral edge".

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 - 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Grannan et al. [US 5,828,016].

Grannan et al. disclose a contact assembly [Figures 1 – 3, 18 – 20] having:

- a dome shaped, movable contact member [23, 123a-d], the contact member being formed from a thin elastic metal plate [22, 122], the contact member having an outer surface, an inner surface and a peripheral edge;
- an insulative layer [34, 125] applied to the inner surface the contact member, the insulative layer having selective voids at predetermined locations [Figures 3, 20];
- contact arm [24] connected to the peripheral edge of the contact member;
- stabilizer arm [30] connected to the peripheral edge of the contact member.

Regarding Claim 3, Grannan et al. disclose the use of die -cut method to obtain a pre-determined shape [Column 9, line 50 +].

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 7 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grannan et al. [US 5,828,016] in view of Pickard et al. [US 6,522,147].

Grannan et al. discloses the instant claimed invention, however does not disclose circuit assembly comprising a light emitting diode and a battery. Pickard et al. disclose a circuit assembly comprising a light emitting diode [30] having a first contact leg [28] and a second contact leg [28]; a battery [Column 5, lines 1 – 10] having a first contact surface [12] and a second contact surface [14]], wherein the first contact surface is in electrical communication with the first contact leg of the light emitting diode [Figures 1 and 2]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the switch designed by Grannan et al., in the circuit assembly disclosed by Pickard et al., so that the operation of switch (On or OFF) can be visually observed.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koyama et al. [US 6,333,477], Ono et al. [US 6,271,491], Janniere [US 6,552,287], Santo et al. [US 5,451,285] all disclose electrical switches. Applicant also should consider these references in response to this office action.

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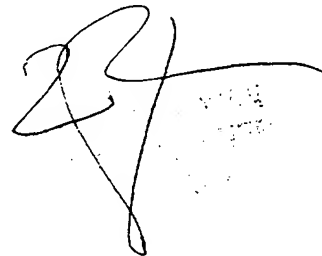
Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 703-305-1665. The examiner can normally be reached on 6-4 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (703) 308-1782. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1920.

Marina Fishman  
January 6, 2004

A handwritten signature in black ink, appearing to be 'MF' or similar initials, with a long horizontal stroke extending to the right.